

ESQUIRE DEPOSITION SERVICES

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13:26:00 1	sentence?	13:27:54 1	BY MS. ABREU:
2	A. It means that the draft -- and I think	2	Q. During that February 21, 2002, meeting
3	you have to put it in relation with the licenses.	3	was Mr. Meyer present?
4	"Your draft does not reflect all the aspects	4	A. Yes.
13:26:09 5	discussed during our meeting of February 21st,	13:28:02 5	Q. Okay. And Mr. Herrera was present,
6	2001, and mentioned in our initial proposal."	6	wasn't he?
7	And, "As you know, we view this as a	7	A. Yes.
8	most important matter and are asking our U.S.	8	Q. Okay. During that meeting was there any
9	Attorney to review it."	9	discussion as to why Mr. Meyer should be reviewing
13:26:25 10	Is that we -- it's probably in relation	13:28:10 10	an agreement between two Spanish companies?
11	with a discussion, which were held during the	11	A. I don't think you have to keep it at the
12	meeting of February, during which certain proposals	12	level of Spain -- Spain. I think it was something
13	and certain things have been discussed, and that we	13	which involved two groups of companies, one French;
14	would like to see in writing, and which were not	14	one, American, having subsidiaries in Spain.
13:26:41 15	recognized in this small manufacturing agreement.	13:28:30 15	Q. Mm-hmm.
16	Q. Mm-hmm. And is this -- and the meeting	16	A. So that's probably -- that's how you
17	of February is the meeting of February 21st --	17	should view the situation.
18	A. Mm-hmm.	18	Q. Okay. And is that why Mr. Meyer was
19	Q. -- 2002?	19	asked to review this?
13:26:52 20	A. I think so.	13:28:39 20	A. Yeah, I think so.
21	Q. Okay. And do you know who was the U.S.	21	Q. Okay. Was this agreement that's marked
22	attorney that is referred to in this letter?	22	as exhibit -- this draft that was marked as
		Page 231	Page 233
13:26:59 1	A. Yes.	13:28:48 1	Exhibit 23 ever signed --
2	Q. And who was --	2	A. No.
3	A. It's --	3	Q. -- or executed?
4	Q. -- that?	4	A. No.
13:27:02 5	A. -- Mr. Larry Meyer.	13:28:52 5	Q. And why not?
6	Q. And why is it that Mr. Meyer would	6	A. Because it was not corresponding, I
7	review an agreement between two Spanish companies?	7	think to -- it was -- I don't know for the part of
8	MR. GRACE: Objection.	8	Belmac, in fact, because it was sent back to
9	In your -- I rather -- I think you	9	Belmac.
13:27:22 10	shouldn't answer that if it's going to get into	13:29:08 10	Q. Mm-hmm.
11	your thought processes as an attorney representing	11	A. As far we were concerned we -- we
12	Ethypharm.	12	agreed -- we managed to agree, otherwise, with
13	THE WITNESS: Mm-hmm.	13	Belmac for the continuation of the production of
14	MR. GRACE: Okay. So I object on the	14	the products and to termination of -- of the things
13:27:32 15	basis of the attorney/client privilege.	13:29:18 15	so.
16	MS. ABREU: And is that also an	16	Q. And is that the continued manufacture of
17	instruction not to answer, counsel?	17	the Omeprazole and other pellet drugs --
18	MR. GRACE: Yes.	18	A. Yes.
19	MS. ABREU: Okay.	19	Q. -- for Ethypharm and --
13:27:40 20	Bentley reserves its rights to take this	13:29:25 20	A. Yes.
21	matter up with the court and to re-depose	21	Q. -- Ethypharm's client after March 23 --
22	Ms. Joannesse on the issue.	22	A. Yes.

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13:29:28	1	Q. -- of 2002?	1 ROSELIN JOANNESSE
	2	A. Right.	2 Resumed as a witness and, having previously been
	3	Q. Okay. And we'll get into that later as	3 duly sworn, was examined and testified as follows:
	4	well.	4 EXAMINATION BY COUNSEL FOR THE DEFENDANT
13:29:40	5	Do you recall who was involved -- who	5 (Continued)
	6	else aside from -- was there anyone else aside from	6 BY MS. ABREU:
	7	Mr. Leduc and Mr. Herrera who was involved in the	7 Q. Good afternoon, Ms. Joannes.
	8	negotiation of Exhibit 23?	8 A. Good afternoon.
	9	A. Exhibit 23, of this document?	9 Q. I hope you had a good lunch, albeit
13:29:54	10	Q. (Nodded affirmatively).	10 short.
	11	A. Adolfo de Basilio --	11 I'd like to talk to you a little bit
	12	Q. Mm-hmm.	12 about the February 21, 2002, meeting that you
	13	A. -- most probably.	13 mentioned earlier today.
	14	MS. ABREU: Thank you, Ms. Joannes. I	14 A. Mm-hmm.
13:30:04	15	think this will be a good time for us to break for	15 Q. Do you recall where that meeting was?
	16	lunch.	16 A. Yes. This meeting took place in
	17	THE VIDEOGRAPHER: The time is 13:29:49	17 Saint Cloud, France.
	18	Off the record.	18 Q. And where in Saint Cloud?
	19	(Whereupon, at 13:29:49 p.m., a luncheon	19 A. At Ethypharm's offices.
13:30:40	20	recess was taken, and the proceedings resumed at	20 Q. And do you recall who was present?
	21	14:15 p.m., this same day.)	21 A. Yes. Belmac's part, you had Mr. Adolfo
	22		22 Herrera, and another gentleman, if I recall, the
		Page 235	Page 237
13:30:40	1	AFTERNOON PROCEEDINGS	14:15:01 1 name was Berenguer something.
	2	[14:13:12 p.m.]	2 Q. Fernando Berenguer?
	3	THE VIDEOGRAPHER: We're back on the	3 A. Yeah, probably, yeah.
	4	record after our lunch break.	4 And from behalf of Ethypharm, you had
14:13:28	5	The time is 14:13:12 or 2:13 p.m.	5 Mr. Patrice Debrégeas, Mr. Gérard Leduc, Mr. Larry
	6	We have a new Interpreter. I'd like to	6 Meyer, and myself.
	7	ask her to identify herself for the record.	7 Q. And do you recall was it -- did that
	8	THE INTERPRETER: Sivanh Khamvongsa, and	8 meeting start in the morning?
	9	living at Woodbridge. And interpreting in French	9 A. I just don't remember.
14:13:46	10	and English.	10 Q. You don't remember?
	11	THE VIDEOGRAPHER: And I need you to put	11 A. No.
	12	your microphone on, please.	12 Q. Okay. Do you remember whether it was
	13	THE INTERPRETER: Okay.	13 before or after lunch?
	14	Will the court reporter please swear in	14 A. No, I don't remember. We -- yeah . . .
14:13:55	15	the Interpreter.	15 Q. What do you recall about that meeting?
	16	THE VIDEOGRAPHER: Thank you.	16 A. What I recalled is that we discussed the
	17	Whereupon,	17 cooperation and the basis of cooperation. We -- we
	18	SIVANH KMAMVONGSA	18 weren't -- I don't remember exactly all the
	19	was called as an Interpreter, and, having first been	19 details. I know also that I remembered that
14:14:07	20	duly sworn, to interpret English into French and	20 Mr. Herrera told us that he -- had a new
	21	French into English, translated as follows:	21 formulation, new patents, and that the product that
	22	Whereupon,	22 would be put in the market would be put with the

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14:16:22 1	marketing authorization, which would be changed to	14:18:46 1	A. -- pendings.
2	taken into account the new formulation.	2	Q. You said pending?
3	And we asked Mr. Herrera to get access	3	A. Yeah --
4	to the patents and the confidentiality agreement to	4	Q. Okay.
14:16:39 5	check where if our rights were -- were secured and	14:18:52 5	A. -- pending.
6	were denied, yes, were denied.	6	Q. Okay. So they were Spanish patent
7	I also remember that they went out and	7	applications?
8	they asked for a break in the session at the time	8	A. I don't know if they were -- purely, I
9	to make a phone call, and they went to a room next	9	don't remember if they were purely a Spanish patent
14:17:02 10	to the main meeting room. And I remember that	14:19:02 10	application or EP patent application. That, I
11	Mr. Larry Meyer talked on behalf of Ethypharm and	11	can't say.
12	and expressed the -- the wishes of Ethypharm as far	12	Q. And EP, just to clarify for the record
13	as the corporation was concerned.	13	would be a --
14	And that's roughly what I remember. I	14	A. European --
14:17:34 15	don't remember all the details of the meeting.	14:19:17 15	Q. European union?
16	Q. Okay. Let's go back to what you said	16	A. -- patent.
17	Mr. Herrera told the people present that he had a	17	Q. European patent?
18	new formulation --	18	A. European patent.
19	A. Mm-hmm.	19	Q. And when Mr. Herrera said that he had --
14:17:45 20	Q. -- new patents for the product that he	14:19:20 20	he had these new patents on Omeprazole, did he --
21	would put on the market.	21	did you understand him to mean Belmac?
22	Was that for Omeprazole?	22	A. Well, the company, the group of company.
		Page 239	Page 241
14:17:51 1	A. Yes, yes, it was for Omeprazole. I	14:19:30 1	Q. Okay.
2	remember this particularly, because I was very much	2	A. Obviously, we were discussing Belmac's
3	concerned about patents.	3	priority.
4	Q. Sure.	4	Q. Okay.
14:18:00 5	And was the new formulation, what he --	14:19:35 5	A. That's all.
6	what Laboratorios Belmac used to manufacturer	6	Q. And -- and did Belmac have -- did
7	Omeprazole in -- in Zaragoza?	7	Bentley have any operations in Spain aside from
8	A. Can -- can you repeat, please.	8	Laboratorios Belmac that made Omeprazole?
9	Q. Did he -- did Mr. Herrera say that this	9	A. As far as I knew, no.
14:18:15 10	new formulation, to which you referred, was what	14:19:48 10	Q. Mm-hmm. Did Bentley Pharmaceuticals,
11	Laboratorios Belmac was using to manufacturer	11	the American company, have any operations in the
12	Omeprazole in Zaragoza?	12	EU?
13	A. I don't think he was saying was using	13	A. I don't know.
14	but would use --	14	Q. Okay. And when you also mentioned the
14:18:31 15	Q. Okay.	14:20:04 15	product, did that Mr. Herrera mentioned the product
16	A. -- would use once the contract is	16	that he would put on the market did you understand
17	terminated.	17	him to mean Omeprazole?
18	Q. And did Mr. -- when Mr. Herrera	18	A. Omeprazole, yes.
19	mentioned new patents, is -- are those Spanish	19	Q. Okay. Okay. Did Mr. Herrera ever show
14:18:43 20	patents --	14:20:17 20	you the patent application --
21	A. Yes, those --	21	A. No.
22	Q. -- on Omeprazole?	22	Q. -- for Omeprazole?

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14:20:21	1	A. No. We just got the -- the numbers -- 2 well, not the numbers, just information. I don't 3 even know if we had the numbers. I don't recall 4 through the year, press release --	14:22:41 1 Q. East Coast. Okay. 2 A. -- sure. 3 Q. To your knowledge is Mr. Meyer licensed 4 to practice as an attorney in the United States?
14:20:32	5	Q. Mm-hmm. 6 A. -- that I mentioned earlier on. And 7 they -- they confirmed that they had these patents, 8 but they were not published at the time of the 9 discussion.	14:22:49 5 A. Yes. 6 Q. Is he licensed to practice as an 7 attorney in France? 8 A. No. 9 Q. Is he licensed to practice as an
14:20:47	10	Q. Were they published after -- at any time 11 after the -- the discussion? 12 A. They were not published in the next -- 13 well, in the next few months where I was still with 14 Ethypharm and now I don't know, because I've not	14:22:55 10 attorney in Spain? 11 A. No, as far as I know. 12 Q. And who at Ethypharm retained his 13 services? 14 A. Patrice Debrégeas and Gérard Leduc.
14:21:03	15	15 worked on this subject since I left the company, 16 obviously. 17 Q. And you mentioned that Mr. Meyer spoke 18 on behalf of Ethypharm during this meeting. 19 A. Mm-hmm.	14:23:13 15 Q. Prior to the February 21st, 2002, 16 meeting, did Mr. Meyer have any involvement with 17 matters pertaining to Belmac or Bentley? 18 A. Um --
14:21:18	20	Q. When did Ethypharm retain Mr. Myer's 21 services? 22 A. A long time ago. A long time ago for	14:23:26 20 MR. GRACE: And just answer that yes or 21 no. Don't go into what the matters might have been. 22 THE WITNESS: Yes.
		Page 243	Page 245
14:21:25	1	different subjects, not for this one, not 2 particularly. So it was -- it was dealing on 3 different subject for the company. 4 Q. Do you remember approximately how long	14:23:32 1 BY MS. ABREU: 2 Q. And when did he have such involvement? 3 A. Just very few -- few months, one or two 4 months before only.
14:21:36	5	5 before the February 21, 2002, meeting Mr. Meyer was 6 retained? 7 A. For -- for this particular subject or 8 for other subjects? 9 Q. For any subject.	14:23:43 5 Q. So by December of 2001? 6 A. Yes, maybe November, December. I just 7 don't recall exactly. 8 Q. And what matters pertaining to 9 Omeprazole was he involved in?
14:21:52	10	A. I think at least five -- five or six 11 years, something like that, maybe. I think he was 12 already involved in some things in 1999. So I 13 would say, yeah, probably; just don't know exactly. 14 Q. And where does Mr. Meyer work?	14:23:59 10 MR. GRACE: Okay. I'm going to instruct 11 you not to answer that based on the attorney/client 12 privilege. 13 MS. ABREU: Bentley reserves its rights 14 to take this matter up with the court.
14:22:13	15	A. Where does he work? 16 Was working for a law firm. I have -- I 17 forgotten the -- the name. I just can't recall the 18 name of a law firm, in the U.S., obviously. 19 Q. In -- in the U.S.?	14:24:11 15 BY MS. ABREU: 16 Q. Why did Ethypharm retain Mr. Myer's 17 services? 18 MR. GRACE: Okay. I'm going to instruct 19 you not to answer that.
14:22:30	20	A. Yes. 21 Q. Do you recall where in the U.S.? 22 A. Good question. East Coast for.	14:24:21 20 MS. ABREU: Same reservation of rights. 21 BY MS. ABREU: 22 Q. Ms. Joannesse, I'm going to show you the

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14:24:37	1	Complaint in this action.	14:27:47 1 talking about suing Bentley in the United States on
	2	A. Mm-hmm.	2 behalf of Ethypharm?
	3	MS. ABREU: Please have this marked as	3 A. Yes, that's what's mentioned.
	4	the next exhibit, which I believe is Exhibit 24.	4 Q. Okay. Do you recall the draft of what
14:25:11	5	(Joannesse Deposition Exhibit No. 24	5 you referred to as the "Global Agreement" marked as
	6	was marked for Identification.)	6 Exhibit 20?
	7	THE WITNESS: Thank you.	7 A. Mm-hmm.
	8	BY MS. ABREU:	8 Q. Was Mr. Meyer involved in assisting with
	9	Q. Could you please take a bit of time to	9 that draft?
14:25:29	10	review that document.	10 A. No. As far as I remember, no.
	11	(Witness reviews document.)	11 Q. During the February 21st of 2002
	12	A. Do you want me to read all the document?	12 meeting, do you recall whether the March 23rd,
	13	Q. If you could please turn to	13 2000, agreement, marked as Exhibit 11, was reviewed
	14	paragraph 102?	14 by anyone present in the room?
14:26:12	15	A. Paragraph 102. Page 4?	15 A. No, the document was not reviewed.
	16	Q. Page 23.	16 Q. Was it discussed?
	17	A. Oh.	17 A. The -- the agreement, as such, was not
	18	Q. That Paragraph 102.	18 discussed. It was more of the situation which
	19	A. Oh, sorry.	19 probably was discussed.
14:26:30	20	Q. That's okay.	20 Q. Okay. And was there a discussion with
	21	A. Okay.	21 regard to whether that agreement fully protected
	22	Q. Do you understand that that paragraph	22 Ethypharm's interest?
		Page 247	Page 249
14:26:34	1	refers to the February 21st --	14:29:03 1 A. I don't think we talked about this
	2	A. Mm-hmm.	2 particular agreement at all. I mean, it's just a
	3	Q. -- 2002 meeting attended by Mr. Herrera	3 question of protecting the interest of Ethypharm as
	4	and Mr. Berenguer?	4 a whole.
14:26:42	5	A. Yes.	14:29:10 5 Q. And what was said about protecting the
	6	Q. Do you see the last sentence that reads,	6 interest of Ethypharm as a whole?
	7	"Finally, ETypharm representatives, including U.S.	7 A. Making sure that Belmac would not use
	8	counsel, stated that, under the circumstances, it	8 the know-how that had been transmitted during all
	9	appeared that in order to protect its valuable	9 these years of collaboration in an unauthorized
14:26:54	10	assets, Ethypharm would be forced to bring a	10 way.
	11	lawsuit against Bentley in the United States."	11 So I'm trying to find open -- I think
	12	A. Yes.	12 that they we were opened to a corporation with
	13	Q. Do you recall that being said during the	13 Bentley and Belmac, but certainly not leaving
	14	February 2001 meeting?	14 the -- the things unsettled or unwritten as it was
14:27:09	15	A. Yes.	15 until now, protecting the fact that we had a -- a
	16	Q. And do you recall if Mr. Meyer is the	16 know-how. We had -- we -- Belmac was putting
	17	U.S. counsel referred to in the Complaint --	17 a product on the market, and it was our
	18	A. Yes.	18 formulation, and we wanted to secure that if they
	19	Q. -- is that it? Okay.	19 were continuing to put it on the market with our
14:27:31	20	And is it your understanding that during	20 formulation, at least, we would get something, and
	21	that February 21st, 2002, meeting attended by	21 that they would not take all the know-how or the --
	22	Mr. Herrera and Mr. Berenguer, Mr. Meyer was	22 the information they had received during all these

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14:30:18 1	years to continue marketing a product without	14:33:12 1	document --
2	giving any -- anything to Ethypharm.	2	A. Mm-hmm.
3	Q. And what did Mr. Herrera respond?	3	Q. -- please?
4	A. I don't know exactly what he responded	4	Could you read the first sentence?
14:30:33 5	at that time. I don't recall. I just recall that	14:33:16 5	A. Yes.
6	he said that -- that they didn't need to have our	6	Belmac has transmitted to Ethypharm the
7	formulation anymore because they had their own.	7	following documentation of time from the
8	Q. I would like to show you another	8	registration file of the specialty Belmazol
9	document that I'd like to have marked as	9	20 milligram microgranules of Omeprazole. Methods
14:31:22 10	Exhibit 25, please.	14:33:28 10	of manufacturing and validation of the same.
11	(Joannes Deposition Exhibit No. 25	11	Method of analysis and validation of the same.
12	was marked for Identification.)	12	Q. And could you please read the second
13	THE WITNESS: Thank you.	13	sentence.
14	BY MS. ABREU:	14	A. This information is transferred only for
14:31:53 15	Q. Ms. Joannes, have you seen Exhibit 25	14:33:43 15	the purpose of enabling Ethypharm to deliver this
16	before?	16	to its clients as mentioned in Annex A and to
17	A. Uh, yes.	17	continue with its clients, its commercial
18	Q. And when was the first time you saw	18	relationship.
19	Exhibit 25?	19	Q. Is it your understanding that Belmazol
14:32:08 20	A. When I collected all the agreements from	14:33:59 20	is a form of Omeprazole?
21	Ethypharm Spain.	21	A. Belmazol is a trade -- the commercial
22	Q. And did you mention earlier that was	22	name of Omeprazole, as sold by Belmac in Spain.
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14:32:15 1	around 2000, 2002?	14:34:09 1	Q. Do you recall any discussions about this
2	A. Probably.	2	document during the February 21st, 2002, meeting?
3	Q. And could you tell us what Exhibit 25	3	A. No.
4	is?	4	Q. But it is your understanding, isn't it,
14:32:23 5	A. It's a confidentiality agreement between	5	based upon this document, that Belmac did give some
6	Ethypharm Spain represented by Adolfo de Basilio,	6	confidential information to Ethypharm?
7	as general manager, and Belmac represented by	7	A. Yes. But I think you have to understand
8	Clemente González Azpeita, as general manager. And	8	more what it relates to. This is they give you
9	this document is signed 30th of September 1998.	9	information which are contained in the registration
14:32:42 10	Q. Were you involved in drafting this	14:34:45 10	file, because it has been formatted into the
11	document.	11	format, special format in order to enable the
12	A. No.	12	company, which is mentioned behind, Acheva, to use
13	Q. Do you know who was?	13	it for its sole registration Dosia.
14	A. Probably it was prepared directly in	14	Q. Mm-hmm.
14:32:52 15	Spain.	14:34:59 15	A. That doesn't mean that the method of
16	Q. Did you review this document before it	16	manufacturing are analysis, et cetera. It belongs
17	was signed?	17	to Belmac. It just mean that the way it was
18	A. I'm not sure. No, I don't think so.	18	included in the registration file was Belmac's
19	I'm not sure, frankly.	19	property because it affected either registration
14:33:06 20	Q. And you don't recall?	14:35:15 20	file on Belmazol was their property.
21	A. No, I don't recall.	21	Q. Okay. Can you tell us where in this
22	Q. Just could you turn to page 2 of that	22	agreement it says that the method of manufacturing

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14:35:24 1	and the method of analysis is not Belmac's	14:39:13 1	Laboratorios Belmac and Ethypharm S.A., we deliver
2	property?	2	the orders that you have -- have made for
3	A. It is not mentioned in this document,	3	microgranules of Omeprazole, and we indicate hereby
4	but it comes from history.	4	the prices of supply as well as the conditions.
14:35:39 5	Q. Do you recall anything else that was	14:39:34 5	Q. Okay. Were you -- what is your
6	said during that February 21st, 2002, meeting?	6	knowledge of the subject?
7	A. Not more than what I've just said	7	A. My knowledge is that we were faced with
8	before.	8	a very difficult situation after the termination of
9	Q. Do you recall when you left that	9	the letter of the -- of the agreement of supply by
10	meeting?	14:39:50 10	Belmac. And because we had to deliver some
11	A. Probably at the end.	11	customers, and we needed to find an agreement with
12	Q. Do you recall the circumstances of	12	Belmac to continue the supply of the product, that
13	leaving that meeting?	13	was the result of discussions that Adolfo de
14	A. Because it was finished, I imagine.	14	Basilio and Adolfo Herrera had together, in which
15	MS. ABREU: I'd like to have the	14:40:11 15	should resolve, at least temporarily, the
16	following document marked as Exhibit 26, please.	16	situation.
17	(Joannesse Deposition Exhibit No. 26	17	Q. Okay. On -- on -- and is it your
18	was marked for Identification.)	18	recollection that Mr. de Basilio had asked
19	THE WITNESS: Thank you.	19	Mr. Herrera to fulfill those orders?
20	(Witness reviews document.)	14:40:24 20	A. That he want, sorry?
21	BY MS. ABREU:	21	Q. That -- is it your recollection that
22	Q. Ms. Joannesse, have you seen Exhibit 26	22	Mr. de Basilio had requested --
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14:37:45 1	before?	14:40:30 1	A. Mm-hmm.
2	A. Yes.	2	Q. -- as stated in paragraph 1 that Mr.
3	Q. And what is Exhibit 26?	3	Herrera fulfill those orders for at least a
4	A. Exhibit 26 is a letter sent by Adolfo	4	temporary period of time after the -- after
5	Herrera, as a general manager of Belmac, to	14:40:36 5	March 23rd of 2002?
6	Ethypharm Spain, Adolfo de Basilio on the 9th of	6	A. Yes.
7	April 2002.	7	Q. Okay. You mentioned earlier today,
8	And in this letter you have some terms	8	Ms. Joannesse, that you had been involved in --
9	of supply of the microgranules of Omeprazole, which	9	in -- in this subject of fulfilling orders --
10	are applicable to orders that Ethypharm had made to	14:40:48 10	A. Mm-hmm.
11	Belmac prior to the 23rd of March 2002, which is	11	Q. -- for Ethypharm clients after the --
12	the termination date of Exhibit No. 11, and that	12	the Exhibit 11 was terminated.
13	gives the condition, in which Belmac was ready to	13	Could you tell us what your involvement
14	supply this product.	14	was?
15	Q. And could you please read us the first	14:40:58 15	A. Well, just making sure that we were --
16	paragraph of this document.	16	everything would be legal. So making sure that the
17	A. As a follow-up to our talk -- to our	17	requests -- the requests were made in a way that
18	conversation and as a answer to your letter of	18	would be legal and that we would not create any
19	the -- of the 2nd of April, in which you ask us	19	more problem in the future between Ethypharm and
20	to -- for -- that you -- you ask that for	14:41:20 20	Belmac --
21	transition period and before the -- the final	21	Q. And --
22	negotiation of the supply contract with	22	A. -- and the customers.

65 (Pages 254 to 257)

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		Page 258	Page 260
14:41:24 1	Q. In so doing, did you have any	14:43:16 1	Q. Was she there when you left --
2	communications with Belmac, with anyone at Belmac?	2	A. Yes --
3	A. I personally not.	3	Q. -- Ethypharm France?
4	Q. Okay. Did anyone else at Ethypharm have	4	A. -- she was still there.
14:41:33 5	any communications with Belmac regarding this	14:43:46 5	MS. ABREU: I'd like to have this next
6	issue?	6	document marked for identification as Exhibit 27,
7	A. Adolfo de Basilio.	7	please.
8	Q. Was he the only one?	8	(Joannes Deposition Exhibit No. 27
9	A. I think so. I can't -- I can't swear he	9	was marked for Identification.)
14:41:42 10	was the only one but I think so.	14:44:26 10	THE WITNESS: Thank you.
11	Q. Did you have any communications with	11	(Witness reviews document.)
12	Ethypharm's customers regarding this issue with --	12	THE WITNESS: No, I don't remember this
13	of Belmac's continued supply of Omeprazole after	13	one. I realized I signed it so.
14	March 23rd of 2002?	14	BY MS. ABREU:
14:41:59 15	A. As far as I'm concerned, not directly,	14:48:32 15	Q. Have you seen this document, Exhibit 27
16	but the team was in contact with the customers. I	16	before?
17	don't know what they say. I mean --	17	A. I can say yes. It's in my name so.
18	Q. And who was the team that was in contact	18	Q. Do you recall drafting Exhibit 27?
19	with?	19	A. I drafted it but not -- well, I mean, my
14:42:12 20	A. Well, the different people in charge of	14:48:47 20	Spanish is not good enough to write such a letter.
21	the relationship with the customers and the -- and	21	So I did it with Adolfo de Basilio and --
22	supply of products.	22	Q. Did anyone assist in the drafting?
		Page 259	Page 261
14:42:18 1	Q. And who were those people?	14:48:58 1	A. Yes. Probably, our external counsel,
2	A. Well, different people at Ethypharm S.A.	2	Spanish counsel.
3	France from the industry. Like, I think -- I don't	3	Q. And what would his name be?
4	know the names, but I think you had met Natalie	4	A. Perez Sendino.
14:42:28 5	Neves, N-E-V-E-S, Natalie, and maybe other people	14:49:12 5	Q. Could you please tell us what this
6	from the team that just don't have all the names in	6	document is or what this letter?
7	my head.	7	A. Well, it's very long so. I've gone
8	Q. Yves Liorzou?	8	through it very rapidly and I just don't recall
9	A. Maybe Yves, maybe Yves, yes.	9	everything. But it's mainly regarding the
14:42:47 10	Q. Was Mr. de Basilio, to your knowledge,	14:49:22 10	situation of delivery of a product that we had for
11	involved in this?	11	one of our customers in Ethypharm, and -- on this.
12	A. Probably. Also Adolfo, I mentioned him	12	This effectively was a strange situation
13	because it's obvious.	13	because we had to deliver some orders after
14	Q. And to your knowledge is -- is Natalie	14	termination so that was all around this -- this
14:42:59 15	Neves still at Ethypharm.	14:49:37 15	issue.
16	A. Natalie Neves, she -- she was at	16	Q. And when you say after termination, do
17	Ethypharm France, yes.	17	you mean after the termination of exhibit or the
18	Q. Okay. To your knowledge is she still	18	contract marked as Exhibit 11?
19	employed at Ethypharm France?	19	A. Right.
14:43:11 20	A. I think so. I can't say -- I can't tell	14:49:48 20	Q. Okay. And were these orders that have
21	you, you know. I haven't had any contact with her	21	been placed -- when had Cinfa placed the orders
22	for some time.	22	that Exhibit 27 refers to?

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14:49:59 1	A. I don't know when they had placed it,	14:52:15 1	A. No.
2	but they have placed it before so we -- we had an	2	Q. And could you review on page 3 the
3	obligation to deliver.	3	second paragraph.
4	Q. Okay. Before the termination of --	4	A. Habíamos creído fielmente?
14:50:05 5	A. Yes.	14:52:31 5	Q. Yes.
6	Q. -- of the --	6	A. We always believed and nothing made us
7	A. Yes.	7	believe the opposite that the interest of Cinfa and
8	Q. -- Exhibit 11?	8	Ethypharm were to continuous -- was to continue to
9	A. Yes, I think so. Just don't recalling	9	collaborate closely and including -- and including
14:50:09 10	the detail but . . .	14:53:00 10	increasing our relationship through alternatives
11	Q. And could you read to us paragraph 2 of	11	and possibilities -- possibilities on the basis
12	Exhibit 27.	12	of -- let me -- let me start again, because the
13	A. Paragraph 2, which on the Sinceramente	13	sentence is very complicated, unless you have the
14	or the Me parece?	14	translation already.
14:50:22 15	Q. Oh, I apologize the Me parece.	14:53:28 15	Q. There is a translation behind that --
16	A. Me parece.	16	A. So --
17	It seems to me that he's -- we are	17	Q. -- that may be helpful to you.
18	repeating view -- we have to repeat and -- and to	18	A. Yes, that would be more helpful to me
19	tell you, again, that to remind -- to remind you	19	because it's a very complicated sentence.
14:50:50 20	that the manu -- the supply agreement we had or our	14:53:37 20	"We have faithfully believed, and you
21	Spanish subsidiary had with Belmac and which was	21	have not said anything on the contrary in a
22	reviewed every two years was terminated in	22	negative and clear way, that the interest of Cinfa
		Page 263	Page 265
14:51:02 1	March 2002 by Belmac.	14:53:40 1	and Ethypharm was to move forward working closely
2	Q. And why did you have to remind Cinfa	2	and even improving our relation through
3	again of that fact?	3	alternatives and possibilities arising from the
4	A. Because I think they -- well, if I	4	certain fact that the agreement between Ethypharm
14:51:23 5	remember, because everything was far away. I think	14:53:51 5	and Belmac has already finished and under no
6	that it seemed that they were not -- they were	6	circumstance was it imagined that in March 2003 you
7	asking for the supply continuously of the product,	7	continue making orders to be manufactured by
8	and we -- we had informed them of the problem, and	8	Belmac."
9	we're not helping sufficiently in -- in resolving	9	Q. Do you recall Cinfa continuing to place
14:51:34 10	the problem of deliveries.	14:54:05 10	orders with Belmac after the termination of -- of
11	Q. Could you read on page 2 the last	11	Exhibit 11?
12	paragraph of page 2.	12	A. Yes, yes, yes they did; definitely, they
13	A. Además, mientras estabamos?	13	did.
14	Q. If you could please read that first	14	Q. Did you ever -- was this letter ever
14:51:46 15	sentence.	14:54:18 15	sent to Cinfa?
16	A. Moreover, while we were discussing	16	A. Yes, it was.
17	and -- and studying the condition of a license and	17	Q. And did Cinfa ever respond to this
18	registering of our new aqueous formula, Cinfa	18	letter?
19	seemed to have chosen to take product formulated	19	A. I don't remember.
14:52:08 20	and elaborated by another company.	14:54:27 20	Q. Okay. And Exhibit 27 does not refer to
21	Q. Do you recall what other company that	21	Bentley anywhere, does it?
22	sentence refers to?	22	A. No, it does not.

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14:54:37 1	Q. Did you ever send Cinfa a letter similar	14:56:44 1	A. Well, throughout the years, throughout
2 to Exhibit 27 that did refer to Bentley?	3 A. No, because they didn't know Bentley. I	2 the collaboration, things -- things -- things	3 have -- whoops, sorry -- the formulation has been
4 mean, it's -- we're in Spain.	5 Q. Okay.	4 slightly modified to meet some -- some problems met	5 during the fabric -- during the manufacturing so.
6 A. There was no reason for them to know	7 Bentley.	6 Q. Do you know who was involved in	7 modifying that?
8 Q. Did you ever have any communications	9 with Bentley about Belmac's continued manufacturer	8 A. Domingo Bernabe certainly and maybe	9 other people from Ethypharm S.A. France in the
10 of Omeprazole, or other pellet drugs, for Ethypharm	11 or for Ethypharm customers after the termination of	10 development section.	12 Q. And do you know where Mr. Bernabe
12 Exhibit 11?	13 A. As far as I'm concerned, no.	13 A. Well, probably mainly at the Zaragoza	14 plant, but maybe some of the modifications have
14 Q. Okay. Do you know whether anyone else	15 at Ethypharm had such communications with Bentley?	15 been made also in France but -- but I can't --	15 been made also in France but -- but I can't --
16 A. I don't know. Maybe management. But I	17 don't know.	16 Q. Do you know --	16 Q. Do you know --
18 Q. Do you recall when you mentioned earlier	19 that Mr. Herrera had stated that he would continue	17 A. -- swear.	17 A. -- swear.
20 to manufacture Omeprazole after the termination of	21 Exhibit 11 with their new formula?	18 Q. -- with whom Mr. Bernabe had contacts at	18 Q. -- with whom Mr. Bernabe had contacts at
22 A. Mm-hmm.		19 the Zaragoza plant regarding these modifications to	19 the Zaragoza plant regarding these modifications to
		20 the Omeprazole technology?	20 the Omeprazole technology?
Page 267		Page 269	
14:55:44 1	Q. Okay. To your knowledge was the --	14:57:46 1	made by anyone at Bentley in the United States to
2 do -- do you recall also earlier today when you	3 mentioned that their had been modifications made to	2 Ethypharm's Omeprazole technology?	3 A. I don't know.
4 the formula that -- or -- or any confidential	5 information that Ethypharm had given to Belmac	4 Q. After the termination of the agreement	5 marked as Exhibit 11 do you know whether there was
6 concerning Omeprazole and other pellet drugs?	7 A. Can you clarify your question, please,	6 any dispute between Ethypharm and Laboratorios	6 any dispute between Ethypharm and Laboratorios
8 because --	9 Q. Sure.	7 Belmac concerning Ethypharm's machinery that was in	7 Belmac concerning Ethypharm's machinery that was in
10 You stated earlier, did you not, that	11 Ethypharm had given Belmac, Laboratorios Belmac,	8 installed in the Zaragoza plant?	8 installed in the Zaragoza plant?
12 some confidential information --	13 A. Mm-hmm.	9 A. Well, we wanted to take our machinery	9 A. Well, we wanted to take our machinery
14 Q. -- formulas, and -- and other	15 confidential technological information concerning	10 away and, in fact, Belmac said that they had no	10 away and, in fact, Belmac said that they had no
16 Omeprazole.	17 A. Yes.	11 problem but it was delayed all the time. And so	11 problem but it was delayed all the time. And so
18 Q. Do you recall that?	19 To your knowledge were any modifications	12 it's only -- and after I left the company in	12 it's only -- and after I left the company in
20 made to this technology, this formula, where this	21 information that Ethypharm gave to Laboratorios	13 September, or something like that, or August,	13 September, or something like that, or August,
21 Belmac?	22 Belmac?	14 September, that the machine -- machinery was taken	14 September, that the machine -- machinery was taken
		15 away.	15 away.
		16 Q. Do you recall who was involved in this	16 Q. Do you recall who was involved in this
		17 dispute with Belmac about the machines?	17 dispute with Belmac about the machines?
		18 A. What do you mean by who was involved in	18 A. What do you mean by who was involved in
		19 its --	19 its --
		20 Q. Who on the part of the Ethypharm S.A.	20 Q. Who on the part of the Ethypharm S.A.
		21 communicated with Laboratorios Belmac regarding the	21 communicated with Laboratorios Belmac regarding the
		22 removal of Ethypharm's machines?	22 removal of Ethypharm's machines?

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		Page 270	Page 272
14:59:01	1	A. Probably, I did sometimes, maybe at some point. Otherwise, after I left, I know that there was Eric Igonet. I think he -- he did -- he dealled with -- with this. And Katherine Calamine, maybe	15:00:55 1 Q. Okay. Did you ever conduct anyone at Bentley regarding the dispute over Ethypharm's machines?
14:59:17	5	it was somebody else as well.	15:01:02 5 Q. Do you -- to your knowledge, did anyone else at Ethypharm ever contact anyone at Bentley with regard to the dispute over the machines?
	6	Q. Okay.	8 A. I don't know.
	7	A. And the people in charge of manufacturing as well.	9 Q. Okay. Did you ever account Jim Murphy with regard to the disputes over the machines at --
	8		11 in Zaragoza?
	9	Q. Okay. Could you please tell who Eric	12 A. As far as I'm concerned, no.
14:59:25	10	Igonet is?	13 Q. Okay. And to your knowledge, did anyone else at Ethypharm ever contact Jim Murphy about the dispute over the machines?
	11	A. Well, he was the former finance --	14 A. I don't know.
	12	finance -- finance manager and general secretary of	15 Q. Ms. Joannes, do you know whether Laboratorios Belmac needed any authorization from
	13	Ethypharm.	16 the Spanish Ministry of Health to market or sell the Omeprazole in Spain?
	14	Q. Of Ethypharm France?	17 A. Yes, like every pharmaceutical
14:59:44	15	A. Yes, Ethypharm France. He was the general secretary at the end.	18 companies.
	16		
	17	Q. Was he general secretary around the time of this dispute involving the --	
	18		
	19	A. Yes.	
14:59:46	20	Q. -- machines?	
	21	And what is the role of the general	
	22	secretary of Ethypharm France?	
		Page 271	Page 273
14:59:52	1	A. It was to -- to -- to -- to deal with all type of litigations and with suppliers and corporate companies, business.	15:01:52 1 Q. And do you know whether Laboratorios Belmac was authorized by the Spanish of Ministry of Health to manufacture Omeprazole and other pellet drugs in Spain?
	4	Q. Was Mr. Igonet on the board of	2 5 A. Yes, they needed to have an authorization to manufacture.
15:00:07	5	Ethypharm -- on the board of directors, excuse me?	6 7 Q. And to your knowledge was Bentley Pharmaceuticals United States company authorized by
	6	A. I think so.	8 9 the Spanish Ministry of Health to market Omeprazole in Spain?
	7	Q. And who is Katherine Calimene?	10 11 A. I don't see why they should be authorized because they were not marketing Omeprazole in Spain.
	8	A. Katherine Calimene was someone working	12 13 Q. You mentioned earlier that you were involved in drafting some confidentiality
	9	in the finance department as well.	14 15 agreements --
15:00:28	10	Q. Do you recall who at Laboratorios Belmac, you and -- and Mr. Igonet and Ms. Calimene	16 17 A. Mm-hmm.
	11	dealt with regarding the dispute over the --	18 19 Q. -- with employees of Laboratorios Belmac pertaining to Omeprazole and other pellet drugs; is
	12	Ethypharm's machines?	20 21 that correct?
	13		22 A. I didn't say I -- I was involved in the drafting. I just mentioned that there was some
15:00:42	15	A. The first one was Mr. Herrera, but then it was probably a technical director, but I don't	
	16	recall the name.	
	17	Q. Does Antonio Cabodevilla sound familiar?	
	18	A. Yes, yes.	
	19	Q. Okay.	
15:00:53	20	A. Right.	
	21	Q. Anyone else?	
	22	A. I don't know, no.	

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		Page 274	Page 276
15:02:44 1	confidentiality agreements with employees. Yes,	15:06:03 1	assigning when you are giving some confidential
2	there are --	2	information to be included in the registration
3	Q. Okay.	3	Dosia.
4	A. -- some -- some confidentiality	4	Q. Do you recall any such doc -- any
15:02:52 5	agreements with employees.	5	documents similar to Exhibit 28 being signed
6	MS. ABREU: I'd like to have the	6	between Ethypharm, either France or Spain, and
7	following document marked as Exhibit 28, please.	7	Bentley Pharmaceuticals in the United States?
8	It starts with Bates label 00 -- EP 008089.	8	A. No.
9	(Joannes Deposition Exhibit No. 28	9	MS. ABREU: I would like to mark the
15:03:40 10	was marked for Identification.)	10	next documents as Exhibit 29, please. It starts
11	THE WITNESS: Thank you.	11	with EP 002741 through EP 002745.
12	(Witness reviews document.)	12	(Joannes Deposition Exhibit No. 29
13	BY MS. ABREU:	13	was marked for Identification.)
14	Q. Ms. Joannes, have you seen Exhibit 28	14	THE WITNESS: Thank you.
15:04:30 15	before?	15	BY MS. ABREU:
16	A. Probably, probably.	16	Q. Ms. Joannes, have you seen Exhibit 29
17	Q. Were you involved in drafting	17	before?
18	Exhibit 28?	18	A. Yes.
19	A. No. This is --	19	Q. Were you involved in drafting
15:04:36 20	Q. Do you -- do you --	20	Exhibit 29?
21	A. This is a standard confidentiality	21	A. No.
22	agreement.	22	Q. Do you re -- do you know who was?
		Page 275	Page 277
15:04:43 1	Q. Do you recall who may have been involved	15:08:02 1	A. No.
2	in drafting this agreement?	2	Q. Can you please tell me what Exhibit 29
3	A. I don't know. Someone at Ethypharm	3	is?
4	Spain. No, frankly speaking, I don't know.	4	A. These are specific confidentiality
5	Q. Could you tell us who this	5	agreements with -- signed by the employees that
6	confidentiality agreement is between?	6	were directly involved in the develop and
7	A. It's between Ethypharm France	7	manufacturing of Omeprazole.
8	represented by its affiliate from Spain and Belmac,	8	Q. And when you say the employees, do
9	Spain, Madrid represented by its medical director	9	you -- are you referring to employees of Belmac?
10	Dr. Manuel Espuelas.	10	A. Yes, sorry.
11	Q. And who is representing Ethypharm France	11	Q. That's okay.
12	and Ethypharm Spain?	12	A. This is Belmac.
13	A. Adolfo de Basilio is the authorized	13	Q. And can you tell us who those employees
14	signature.	14	are that signed the confidentiality agreements
15	Q. And could you tell us what this	15	marked as Exhibit 29?
16	confidentiality, what is the subject of this	16	A. Well, from the names that you have, you
17	confidentiality agreement?	17	have Mr. González Azpeitia, and he's the general
18	A. Yes.	18	manager. I think that's just -- and you have from
19	Ethypharm is transmitting some technical	19	the names you have Antonio Cabodevilla, which you
15:05:44 20	documentation of Omeprazole to Belmac for Belmac to	20	told me was a technical director. And the rest I
21	consider whether they want to use it. That's	21	don't know. I guess that they are technicians.
22	usually the type of agreement you're -- you're	22	Q. Okay. Do you see where it says Mr. --

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		Page 278	Page 280
15:09:09 1	the first page refers to Mr. Mateo Gasca --	15:10:49 1	was marked for Identification.)
2	A. Yes.	2	(Witness reviews document.)
3	Q. -- who resides in Zaragoza?	3	THE WITNESS: Mm-hmm.
4	A. Mm-hmm.	4	BY MS. ABREU:
15:09:17 5	Q. And the second page, as you mentioned --	15:11:43 5	Q. Ms. Joannes, have you seen Exhibit 30
6	A. Azpeitia.	6	before?
7	Q. -- Azpeita.	7	A. Yes.
8	And the third page --	8	Q. When was the first time you saw
9	A. Carlos --	9	Exhibit 30?
15:09:23 10	Q. -- do you see --	15:11:52 10	A. Probably, when I was collecting -- or I
11	A. -- Asensio.	11	don't remember. Maybe I -- maybe I drafted it.
12	Q. Carlos Asensio. He's also a resident of	12	Maybe I drafted it.
13	Zaragoza.	13	Q. Okay. Can you --
14	The fourth page Mr. Cabodevilla --	14	A. It's possible.
15:09:31 15	A. Mm-hmm.	15:12:00 15	Q. -- tell us the date of Exhibit 30?
16	Q. -- also a resident of Zaragoza.	16	A. It was dated July 11th, 1995.
17	And the last page Mr. Jose Luis	17	Q. Do you recall who else was involved in
18	Monterde, also a resident of Zaragoza.	18	drafting Exhibit 30?
19	A. Mm-hmm.	19	A. In drafting, probably nobody else, but
15:09:35 20	Q. When was the first time you saw	20	in the preparation Mr. Debrégeas and -- and
21	Exhibit 29?	21	Mr. Leduc as well.
22	Do you remember?	22	Q. And to the best of your recollection was
		Page 279	Page 281
15:09:45 1	A. When I collected the agreement from	15:12:31 1	it Mr. Leduc and Mr. Debrégeas who requested that
2	Ethypharm Spain.	2	you draft Exhibit 30?
3	Q. And -- and you kept this in your -- in	3	A. Well, as it is signed by Mr. Debrégeas,
4	your Belmac --	4	I would say it was Mr. Debrégeas.
15:09:50 5	A. Yes.	15:12:41 5	Q. And could you tell us who this agreement
6	Q. -- /Bentley file?	6	is between?
7	A. Yes.	7	A. This agreement is with -- between Belmac
8	Q. And do you recall ever collecting a	8	Corporation in Tampa U.S. represented by Mr. James
9	similar agreement signed by any Bentley employees	9	Murphy, President, Chief Executive Officer, and the
15:10:02 10	in the United States?	10	company is referred as Belmac and Ethypharm S.A.
11	A. No. But that was not necessary because	11	located at rue Saint Matthieu in Houdan, France,
12	the things was in Zaragoza, and technicians were	12	represented by Patrice Debrégeas, President and,
13	working in Zaragoza and were putting their hands on	13	and called Ethypharm.
14	the product so.	14	Q. And is this document signed?
15:10:09 15	Q. And it wasn't necessary because the	15:13:17 15	A. It is signed.
16	employees of Bentley and the United States had not	16	Q. Okay. Do you recognize the signature
17	manufactured Omeprazole for Ethypharm?	17	for Ethypharm France?
18	A. Yeah.	18	A. Yes.
19	MS. ABREU: I'd like to show you another	19	Q. And whose signature is that?
15:10:39 20	document and have it marked as the next Exhibit,	20	A. Mr. Debrégeas.
21	which I believe is Exhibit 30.	21	Q. Okay. And is the document signed on
22	(Joannes Deposition Exhibit No. 30	22	behalf of Belmac Corporation?

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15:13:33	1	A. Yes.	15:16:54 1 A. Yes.
	2	Q. And who is it signed by?	2 Q. When was the first time you saw
	3	A. James Murphy.	3 Exhibit 31?
	4	Q. What is this -- what is Exhibit 30?	4 A. The last thing, I probably prepared it.
15:13:41	5	What is this confidentiality agreement	5 Q. You recall you drafted it?
	6	about?	6 A. Yes, probably drafted it.
	7	A. Well, it's about the possibility of the	7 Q. Do you recall who asked you to draft it?
	8	companies to exchange information on the U.S.	8 A. Well, I probably drafted it on the
	9	company which researches and develops transdermal	9 request of Gérard Leduc and Patrice Debrégeas.
15:13:55	10	products, and Ethypharm was interested in	10 Q. And why did you draft this document?
	11	participating -- participating in the acquisition	11 A. Excuse me?
	12	of this company with Belmac Corporation.	12 Q. I apologize. Why did you draft
	13	Q. So were -- just to clarify, then, were	13 Exhibit 31?
	14	Ethypharm France and Belmac Corporation in the	14 A. Well, probably because they asked me to
15:14:11	15	United States considering jointly purchasing a U.S.	15 do it to put in to papers, at least, a commitment
	16	company?	16 by Belmac and -- and Bentley recognizing the
	17	A. Right.	17 ownership of Ethypharm on patent formulation,
	18	Q. And do you recall the name of that	18 et cetera, know-how.
	19	United States company?	19 Q. And with regard to Omeprazole?
15:14:19	20	A. No.	20 A. Yes, probably -- well, or all the
	21	Q. Do you recall whether this	21 products as well. I mean, it's not mention of --
	22	confidentiality agreement had anything to do with	22 their products, you have an amount, a certain
		Page 283	Page 285
15:14:33	1	the manufacture of Omeprazole in Spain?	15:17:57 1 number of products and pellets, among which
	2	A. No. It's on transdermal products.	2 Omeprazole pellets and its derivatives. So it's
	3	Q. And is that different from pellet drugs?	3 not only Omeprazole pellets.
	4	A. It is different, yes.	4 Q. And do you recall when you drafted this
15:14:53	5	Q. Is this the -- aside from Exhibit 30 --	5 document?
	6	A. Mm-hmm.	6 A. No, I don't recall exactly the
	7	Q. -- do you recall any confidentiality	7 circumstances, but apparently it dates back to
	8	agreements between Ethypharm, either France or	8 1998, so April of 1998.
	9	Spain, and Bentley in the United States or Belmac	9 Q. And could you please read to us the
15:15:06	10	Corporation in the United States?	10 first sentence of the first paragraph.
	11	A. I think there was another one, but I'm	11 A. Which one?
	12	sorry I don't remember all the agreements signed.	12 Q. Dr. Clemente Gonzales Azpeita.
	13	Q. Okay, fine.	13 A. Dr. Clemente Gonzales Azpeita, in the
	14	MS. ABREU: I'd like to have the next	14 name and in presentation of Laboratorios Belmac
15:15:47	15	document marked for identification as Exhibit 31.	15 S.A., with registered office in Monteraragon,
	16	(Joannesse Deposition Exhibit No. 31	16 No. 9, Madrid, and with tax identification number,
	17	was marked for Identification.)	17 as general manager.
	18	THE WITNESS: Thank you.	18 Mr. James Murphy -- R. Murphy, in the
	19	(Witness reviews document.)	19 name and representation of Bentley Pharmaceuticals,
15:16:50	20	THE WITNESS: Yes.	20 Inc., with registered office in One Urban Centre,
	21	BY MS. ABREU:	21 Suite 548, 4830 Wes Kennedy Boulevard, Tampa,
	22	Q. Have you seen Exhibit No. 31 before?	22 Florida, USA, as Chairman and Chief Executive

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15:19:11 1	Officer.	15:21:21 1	draft agreements we reviewed this morning did not?
2	Q. Okay. And is that with Ethypharm S.A.	2	A. Which one?
3	Spain?	3	Q. All of the draft agreements we reviewed
4	A. Well, it's a -- it's a declaration.	4	this morning?
15:19:18 5	It's not an agreement. So it's with anybody.	15:21:30 5	A. Well, it depends, yeah.
6	Q. Okay. Is it a declaration regarding	6	Q. Exhibit 11 does not, does it?
7	Omeprazole and pellet technology in the	7	A. Yes.
8	relationship with Ethypharm Spain?	8	Q. Exhibit --
9	A. I think it's both in Ethypharm Spain and	9	A. But as I told you, most the agreements
15:19:36 10	Ethypharm France and it's mentioned Ethypharm	15:21:33 10	we had reviewed today, they were small agreements
11	Spain, Ethypharm has manufacturing agreement with	11	to take into consideration, an urgent situation,
12	Laboratorios Belmac for manufacturing pellets and a	12	regarding the manufacturing of -- of -- of the --
13	certain number of products developed by Ethypharm.	13	of the products in Spain.
14	So apparently, the way it is drafted it	14	Why this type of document is, frankly,
15:19:53 15	refers to Ethypharm Spain, yeah.	15:21:46 15	a -- a recognition of the property of the know-how
16	Q. And you would agree, would you not, that	16	by both the subsidiary and the mother company, and
17	in this draft -- this draft is drafted so that	17	that's something which -- which should have been --
18	Laboratorios Belmac and Bentley Pharmaceuticals	18	which -- which was the agreement in principal. And
19	undertake not to divulge the information to third	19	that was, again, a small document with to -- to
15:20:09 20	parties and that would be the information	15:22:10 20	secure our interests, which finally was not signed
21	concerning Omeprazole and other pellet drugs --	21	again.
22	A. Yes.	22	Q. And do you recall any -- any documents
		Page 287	Page 289
15:20:14 1	Q. -- is that correct?	15:22:18 1	at all, whether small or not small, that were ever
2	A. Mm-hmm.	2	signed by both Belmac S.A. and Bentley in the --
3	Q. Do you recall this draft confidentiality	3	A. No.
4	agreement having been ever sent to Mr. Murphy?	4	Q. -- United States?
15:20:26 5	A. This is not a confidentiality agreement.	15:22:28 5	A. No.
6	This is a declaration. And this draft, I think,	6	Q. Do you recall any agreements, whether
7	was sent -- yes, it was sent to Mr. Murphy because	7	small or not small that were ever signed between
8	the fax cover page showed that Adolfo de Basilio	8	Ethypharm, either France or Spain, and Bentley in
9	did send it to Mr. Murphy.	9	the United States by itself concerning Omeprazole
15:20:46 10	Q. And do you recall whether Mr. Murphy	15:22:38 10	and other pellet drugs?
11	ever responded to this draft declaration?	11	A. No, besides all those we have reviewed
12	A. No. Frankly speaking, I don't recall.	12	already, no.
13	Q. To your knowledge was this draft	13	Q. Ms. Joannes, are you aware of any
14	declaration ever signed by Mr. Murphy or	14	statements made by Laboratorios Belmac directly to
15:20:56 15	Mr. Gonzales?	15:23:10 15	Ethypharm's clients concerning the ownership of
16	A. I don't think so, either.	16	technology to manufacture Omeprazole?
17	Q. But you would agree, would you not,	17	A. I don't know what Belmac says to the
18	Ms. Joannes, that in this particular draft you	18	customers.
19	did include both Laboratorios Belmac and Bentley	19	MS. ABREU: I'd like to mark this
15:21:16 20	Pharmaceuticals as a party?	15:23:40 20	document as Exhibit 32, please.
21	A. Mm-hmm.	21	(Joannes Deposition Exhibit No. 32
22	Q. Whereas the contracts we reviewed, the	22	was marked for Identification.)

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15:24:10 1	THE WITNESS: Thank you.	15:26:08 1	with Leciva, so probably they sent it to me as well
2	(Witness reviews document.)	2	so that I included it in the -- in the file, you
3	BY MS. ABREU:	3	know, the agreement.
4	Q. Have you had a chance to	4	Q. Do you recall ever seeing or hearing
15:24:42 5	review Exhibit --	5	about a statement issued by Bentley Pharmaceuticals
6	A. Yes.	6	to an -- an Ethypharm customer concerning the
7	Q. -- 32?	7	collaboration with Ethypharm for the manufacturer
8	Have you seen this before?	8	of Omeprazole in Spain?
9	A. I probably have seen it because I was	9	A. No.
15:24:48 10	copied so.	15:26:43 10	Q. Ms. Joannes, have you had any personal
11	Q. And what is the first page of	11	contacts with Jim Murphy, aside from the one time
12	Exhibit 32?	12	you mentioned today that you met him in the
13	A. It's a letter from one of our customer	13	hallway?
14	in Republic Czech, Czech Republic. We call it	14	A. Personal contact, no, no.
15:24:56 15	Leciva, dated 20th of March 1997, which request a	15:26:57 15	Q. Did you have any communications with
16	statement specifying one cooperation between	16	Mr. Murphy that we did not discuss today?
17	Ethypharm and Belmac works in the manufacturing of	17	A. And there was a telephone conversation
18	Omeprazole pellets because they need it for the	18	with Gérard Leduc and James Murphy. I don't recall
19	registration file.	19	exactly the date. And I was there but that's all.
15:25:21 20	Q. Okay. And do you understand page 2 to	15:27:12 20	But I didn't talk to Mr. Murphy, I mean. It was
21	be the statement requested by Leciva to Mr. de	21	not a --
22	Basilio?	22	Q. Do you recall approximately when that
		Page 291	Page 293
15:25:30 1	A. Yes, it is.	15:27:19 1	conversation --
2	Q. Do you recall any request by any	2	A. No --
3	Ethypharm clients or statements on the cooperation	3	Q. -- took place?
4	between Ethypharm and Bentley --	4	A. -- I just told you I -- I don't recall.
15:25:39 5	A. No.	15:27:22 5	Q. Do you recall whether it was before or
6	Q. -- for the manufacturing --	6	after the termination of the agreement marked as
7	A. No.	7	Exhibit 11?
8	Q. -- of Omeprazole?	8	A. No.
9	A. I was copied of this type of document	9	Q. Do you recall whether it was toward the
10	but, frankly, it was going to Adolfo de Basilio,	10	end of your employment at Ethypharm or the middle?
11	who was managing the customers.	11	A. No, it was before the -- the end of
12	Q. Did Adolfo de Basilio ever tell you that	12	my -- my employment.
13	any Ethypharm customer requested a statement on	13	Q. Do you --
14	cooperation between Ethypharm and Bentley?	14	A. Also probably -- probably I -- I just
15:25:56 15	A. I don't -- frankly speaking, I don't	15:27:41 15	couldn't tell you probably before, I would. But
16	recall either. I mean, he probably send me a --	16	for them, I'm not sure at all. Now frankly
17	the document because there was some official	17	speaking, I don't know. I don't remember.
18	documents for the file but --	18	Q. Do you recall what that telephone
19	Q. But you don't remember ever seeing --	19	conversation was about?
15:26:06 20	A. I don't remember --	15:27:51 20	A. Cooperation about -- cooperation between
21	Q. -- such a document?	21	the companies and -- and Omeprazole and these
22	A. -- seeing it because we had an agreement	22	type -- these types of things.

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15:28:00	1	Q. So --	15:29:56 1 A. Yes, I think so.
	2	A. But I don't remember the details. But	2 MS. ABREU: Counsel, we would like to
	3	it was when we had conversations when I was	3 request production of that agreement.
	4	participating. It was because we were talking	4 MR. GRACE: It's been marked as an
15:28:08	5	about the collaboration with Belmac and Omeprazole.	5 exhibit.
	6	Q. Okay. So it was about the cooperation	6 COURT REPORTER: May I take a break
	7	with --	7 soon?
	8	A. Mm-hmm.	8 MS. ABREU: Sure.
	9	Q. -- lab (sic) Belmac and Omeprazole?	9 Why don't we take a break for the court
15:28:16	10	A. Yeah.	10 reporter.
	11	Q. Do you recall who -- who initiated that	11 THE VIDEOGRAPHER: This ends tape number
	12	tele -- telephone conversation?	12 three of the Joannesse deposition.
	13	A. It was between Gérard Leduc and James	13 The time is 15:30:12.
	14	Murphy, but I don't know who called whom. I mean,	14 Off the record.
15:28:29	15	they arranged for a phone call together.	15 (Whereupon, at 15:30:12 p.m., a recess
	16	Q. Okay. And you were asked to join	16 was taken, and the proceedings resumed at
	17	Mr. Leduc in his office --	17 15:38:25 p.m., this same day.)
	18	A. Yes.	18 THE VIDEOGRAPHER: On the record with
	19	Q. -- for that phone call?	19 tape number four of the testimony of Roseline
15:28:39	20	A. Mm-hmm.	20 Joannesse in the matter of Ethypharm versus Bentley
	21	Q. And do you recall any other	21 Pharmaceuticals.
	22	communications of any form with Mr. Murphy that you	22 The date is July 20th, 2006.
		Page 295	Page 297
15:28:46	1	ever had during your employment at Ethypharm?	15:38:42 1 The time is 15:38:25.
	2	A. As far as I'm concerned, no.	2 BY MS. ABREU:
	3	Q. Anywhere in your files you -- or	3 Q. Good afternoon, Ms. Joannesse.
	4	anywhere else, do you recall ever seeing a	4 Do you recall seeing any signed
15:29:05	5	confidentiality agreement between -- signed by Jim	5 agreement between Ethypharm and James Murphy
	6	Murphy with Ethypharm regarding Omeprazole or	6 concerning Omeprazole or pellet drugs in Spain?
	7	another pellet drug?	7 A. No.
	8	A. Not to Omeprazole and pellets drug.	8 Q. Do you recall ever seeing any signed
	9	Q. How about anything else?	9 agreement between James Murphy and Ethypharm
15:29:23	10	A. Yes. There was another one. I think	10 concerning the manufacturing of Omeprazole with
	11	it's transdermal things, something like that.	11 other pellets drugs anywhere in the world?
	12	Q. Is it the one that I showed you --	12 A. I don't think so.
	13	A. No.	13 Q. Aside from the June 8th, 2001, draft,
	14	Q. -- about the purchase --	14 which I believe is marked as Exhibit 20, do you
15:29:36	15	A. No.	15 recall ever negotiating a draft between Ethypharm
	16	Q. -- of the U.S. corporation?	16 and Jim Murphy with regarding the manufacture of
	17	A. No. Another one, the products.	17 Omeprazole or other pellet drugs that had
	18	Q. Do you recall the date --	18 Mr. Murphy as a signatory?
	19	A. No.	19 A. I just -- I don't think so, but I'm not
15:29:48	20	Q. -- of that agreement?	20 sure because we had prepared so many drafts over
	21	And was agreement in your files at	21 the years, which were not signed in the end.
	22	Ethypharm?	22 That's a very difficult question if I don't have

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15:40:02 1	the whole file with me.	15:44:33 1	of Ethypharm Spain to me, in which was needed for
2	Q. Sure.	2	the letter that Mr. Debrégeas wanted to send to
3	A. But just like that, we'd probably say	3	Mr. Murphy.
4	no.	4	And this was letter was a letter
15:40:13 5	Q. Aside from yourself, do you know who	15:44:48 5	concerning certainly a surprise on certain articles
6	else at Ethypharm had any contacts or	6	and advertisement that was published in Spanish
7	communications with Mr. Murphy?	7	newspapers, and which we're referring to Omeprazole
8	A. Gérard Leduc and Patrice Debrégeas and	8	and perhaps technology as if it was Belmac
9	also Claude Dubois and Pierre Germain, and maybe	9	technology.
15:40:30 10	others that I don't know, I mean, but for sure	15:45:06 10	Q. And can you tell us the date of that
11	these people had.	11	letter from Mr. Debrégeas to Mr. Murphy?
12	Q. Aside from Mr. Murphy, did you ever have	12	A. Yes.
13	any contacts or communications with anyone who was	13	The letter dates back to April 8, 1999.
14	employed at Bentley Pharmaceuticals in the United	14	Q. And prior to Ms. Rodríguez's sending you
15:40:47 15	States?	15	Mr. Murphy's address in the United States, did you
16	A. No.	16	have that address in your files?
17	Q. Okay. Did you ever visit Bentley	17	A. If I had this address, I wouldn't have
18	Pharmaceuticals in the United States?	18	needed to get it from Ethypharm Spain.
19	A. No.	19	Q. Were you involved in drafting the letter
15:40:53 20	MS. ABREU: I'd like to have this	20	from Mr. Debrégeas to Mr. Murphy dated April 8,
21	document marked as Exhibit 33, please.	21	1999, in Exhibit 34?
22	(Joannesse Deposition Exhibit No. 33	22	A. Again, the content was drafted probably
		Page 299	Page 301
15:41:24 1	was marked for Identification.)	15:45:43 1	by Mr. Debrégeas. Maybe I reviewed it in terms of
2	(Witness reviews document.)	2	English but that's probably all.
3	THE WITNESS: Yes.	3	Q. Could you take a look at the second to
4	BY MS. ABREU:	4	last --
15:42:59 5	Q. Have you seen Exhibit 33 before?	15:45:59 5	A. Mm-hmm.
6	A. I don't recall at all, frankly speaking.	6	Q. -- paragraph of that letter, the one
7	Q. And I'm presuming, then, that you don't	7	that starts with, We want to correct any
8	recall whether you were involved in drafting this?	8	misunderstanding.
9	A. No, no, no.	9	A. Mm-hmm.
15:43:16 10	Q. Okay.	15:46:08 10	Q. Do you see where it says that we trust
11	MS. ABREU: I'd like to mark this	11	you will take all appropriate measures to remind
12	document for identification as Exhibit 34, please.	12	your Spanish subsidiary of its obligations?
13	(Joannesse Deposition Exhibit No. 34	13	A. Where is that?
14	was marked for Identification.)	14	Yes, yes, yeah.
15:44:08 15	THE WITNESS: Thank you.	15:46:21 15	Q. And do you understand the term Spanish
16	BY MS. ABREU:	16	subsidiary to be referring to Laboratorios Belmac
17	Q. Have you seen Exhibit 34 before,	17	in Spain?
18	Ms. Joannesse?	18	A. Yes.
19	A. Yes, yes, I have.	19	Q. And did you ever see any response from
20	Q. Can you tell me what it is?	20	Mr. Murphy to this?
21	A. Well, in fact, the first page is simply	21	A. Yes, I see he responded.
22	the address of Bentley transmitted by the secretary	22	Q. Okay. And did you send this letter on

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15:46:46	1	behalf of Mr. Debrégeas to Mr. Murphy or did he 2 send it himself?	15:48:48 1 A. No, I haven't asked Mr. Murphy such a 2 question.
	3	A. Oh, he sent it himself, most probably.	3 Q. Do you know whether anybody else at
	4	Q. Did you have any other contacts with	4 Ethypharm asked Mr. Murphy such a question?
15:47:01	5	that of Mr. Murphy or anyone else at Bentley that	15:48:55 5 A. I don't know. As far as I know, I don't
	6	we have not had discussed today or any other	6 know.
	7	communications of any form?	7 Q. Did either Mr. Murphy or anyone else who
	8	A. No.	8 works for Bentley Pharmaceuticals ever tell you
	9	Q. To your knowledge, did Ethypharm ever	9 that Belmac had the authority to act as Bentley's
15:47:15	10	enter into a contract with Bentley Pharmaceuticals	15:49:11 10 agent in its relationship with Ethypharm?
	11	to manufacture Omeprazole or any other pellets	11 A. No one told me such a thing.
	12	drugs in the United States?	12 Q. To your knowledge, did anyone at Bentley
	13	A. No. I think we've discussed that.	13 or Mr. Murphy ever tell anybody else at Ethypharm
	14	Q. Did anyone at Bentley ever tell you that	14 that Belmac had the authority to act as Bentley's
15:47:31	15	the general managers of Belmac, such as Mr. Adolfo	15:49:27 15 agent in its relationship with Ethypharm?
	16	Herrera, Clemente Azpeitia, or Mr. Ayala, or anyone	16 A. I don't know what was told to the
	17	else at Belmac had the authority to bind Bentley in	17 others.
	18	its relationships with Ethypharm?	18 Q. But you have never heard of the others
	19	A. No.	19 being told such a --
15:47:50	20	Q. To your knowledge, did anyone at Bentley	15:49:35 20 A. I hadn't heard, no.
	21	ever tell anybody else at Ethypharm that the	21 Q. Did Mr. Murphy or anyone else at Bentley
	22	general managers of Belmac, such as Adolfo Herrera,	22 ever tell you that Bentley would guarantee Belmac's
		Page 303	Page 305
15:47:59	1	Mr. Clemente, Gonzalez Azpeitia, Mr. Ayala, or	15:49:45 1 obligations to Ethypharm?
	2	anyone else at Bent -- at Belmac have the authority	2 A. No one told me, no.
	3	to bind Bentley in its --	3 Q. To your knowledge, did Mr. Murphy or
	4	A. I can't speak --	4 anyone else at Bentley ever tell anybody at
15:48:11	5	Q. -- relationship with Ethypharm?	15:49:56 5 Ethypharm that Bentley would guarantee Belmac's
	6	A. -- for the others. I don't know for --	6 obligations toward Ethypharm?
	7	for the others.	7 A. I can tell you that may be possible but
	8	Q. Okay. But did -- did you ever overhear	8 I can't tell you.
	9	anybody say that they had been told such a thing?	9 Q. And you have no knowledge --
15:48:23	10	A. I don't know. I mean --	15:50:05 10 A. No, I have --
	11	Q. No?	11 Q. -- of such a thing?
	12	A. No.	12 A. -- no knowledge.
	13	Q. Did you ever ask -- I -- I guess the	13 Q. Did you ever meet any of Belmac's
	14	only person at Bentley with whom you communicated	14 general managers, aside from Mr. Herrera that
15:48:37	15	was Mr. Murphy --	15 February 2002 meeting?
	16	A. Mm-hmm.	16 A. No. The former ones, I've never met.
	17	Q. -- is that correct?	17 Q. Okay. Did Mr. Herrera ever tell you
	18	Did you ever ask Mr. Murphy if Belmac	18 that he couldn't answer one of these questions
	19	and the -- and its general managers had the	19 because he had to ask Jim Murphy or consult with
15:48:44	20	authority to bind Bentley --	20 Jim Murphy?
	21	A. No.	21 A. Not in such way. We know that he was
	22	Q. -- in its relationship with Ethypharm?	22 referring to the United States for certain big

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15:50:41	1	decisions, but he didn't tell me I have to speak 2 with Mr. Murphy.	15:52:20 1 meeting, I think that he said he would call the 2 U.S.
	3	Q. Did he ever tell you that he had to 4 consult with the United States about anything?	3 Q. In February 21st --
15:50:53	5	A. Sometimes it happens.	4 A. Yes.
	6	Q. About what?	5 Q. -- 2002?
	7	A. I think that during the meeting of	6 A. Yes, I think so.
	8	February 21 --	7 Q. And do you recall whether he said that
	9	Q. Mm-hmm.	8 after Mr. Meyer had said that Ethypharm would be 9 forced to sue Bentley in the United States?
15:51:01	10	A. -- he asked for a break in order to call 11 the U.S., if I recall properly.	15:52:36 10 A. I don't know if he said it after or 12 before, but it's probably it's in relation, at 13 least, at it was involving the U.S. I don't know. 14 Maybe, yeah.
	12	Q. And aside from that meeting in	14 Q. Okay. About the -- their lawsuit --
	13	February 21, do you recall Mr. Herrera ever tell	15 A. Yes.
	14	you that he had to consult with the U.S. about	16 Q. -- in the United States?
15:51:15	15	anything?	17 A. Yes, maybe.
	16	A. Telling me directly, no.	18 Q. Did -- did Mr. Herrera ever tell you
	17	Q. Okay. Have you heard of him telling you	19 that he had been -- been given the authority to
	18	anyone else that?	15:52:58 20 account on behalf of Bentley in his dealings with 21 Ethypharm?
	19	A. I think that he -- he probably has to	22 A. No.
15:51:24	20	say something like for to Adolfo de Basilio but --	
	21	Q. Do you recall Adolfo de Basilio telling	
	22	you that -- that Mr. Herrera told -- told him that?	
		Page 307	Page 309
15:51:33	1	A. You know it's difficult to answer such a 2 question. I mean, it's not -- it's the feeling, 3 you know. It's the -- the general cooperation that 4 was working like that, you know, that -- like --	15:53:05 1 Q. To your knowledge, did Mr. Herrera ever 2 tell anyone else at Ethypharm that he had the 3 authority to act on behalf of Bentley --
15:51:44	5	just like Adolfo de Basilio had to refer to 6 Ethypharm for certain issues. Adolfo Herrera had 7 to refer to the United States. That's the feeling 8 I had of the situation --	4 A. No.
	9	Q. And?	15:53:12 5 Q. -- in his dealings with Ethypharm?
15:51:57	10	A. -- and, obviously, he didn't tell me 11 directly this or not.	6 A. I don't know, to my knowledge.
	12	Q. Sure.	7 Q. Let's go back to your files and 8 documents at Ethypharm, okay?
	13	Is that feeling based on -- on	9 Do you recall when Ethypharm made the
	14	Mr. de Basilio's relationship with the mother	15:53:36 10 decision to bring the patent infringement suit 11 against Belmac in Spain?
15:52:06	15	company in France?	12 MR. GRACE: Objection.
	16	A. No, it's based on the -- on the whole	13 I'm going to direct you not to answer
	17	circumstances on the way things were -- were	14 that.
	18	working.	15 MS. ABREU: I'm asking about when.
	19	Q. Okay. But no one ever told you, did	16 That's a -- a question of fact.
15:52:15	20	they, that Mr. Herrera had to consult with the	17 MR. GRACE: The direction stands.
	21	United States?	18 MS. ABREU: I see.
	22	A. No, except that when -- when during this	19 MR. GRACE: Yeah.
			15:53:55 20 In other words, don't -- don't answer
			21 it.
			22 MS. ABREU: Don't answer it?

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15:53:59	1	MR. GRACE: Do not answer it.	15:55:39 1 Do you recall approximately when Belmac
	2	THE WITNESS: Mm-hmm.	2 ceased manufacturing and fulfilling the orders
	3	MS. ABREU: And is that an instruction	3 about the firms and its -- and its customers for
	4	on the basis of privilege, counsel?	4 Omeprazole?
15:54:03	5	MR. GRACE: Yes.	15:55:48 5 A. Well, I think it's after my departure,
	6	MS. ABREU: Bentley reserves its rights	6 around my departure, because when machines were
	7	to take this matter up with the court.	7 taken away.
	8	BY MS. ABREU:	8 Q. So around August --
	9	Q. Did your files contain any documents	9 A. Around August, September, something like
15:54:10	10	pertaining to the lawsuits against Belmac in -- in	10 that, probably, but . . .
	11	Spain?	11 Q. Ms. Joannes, did you review any
	12	A. Yes.	12 documents in preparation for today's deposition?
	13	Q. Okay. Did your files and documents	13 A. Yes.
	14	contain any documents concerning a lawsuit against	14 Q. Do you recall reviewing any -- did you
15:54:22	15	Bentley in the United States?	15 use any documents to refresh your recollection for
	16	A. No. No. I don't think so.	16 your testimony today?
	17	Q. And you stated earlier that you never	17 A. Those we have seen today together, but
	18	destroyed any of your documents; is that correct?	18 not -- some them because some of them I had not
	19	A. No.	19 seen before.
15:54:45	20	Q. And that file was still there in its	15:56:03 20 Q. Did you see -- did you use any documents
	21	entirety when you left --	21 to refresh your recollection for your testimony
	22	A. Mm-hmm.	22 today that we have not seen here today?
		Page 311	Page 313
15:54:49	1	Q. -- Ethypharm?	15:56:52 1 A. A difficult question. I think we have
	2	A. I hope so, at least.	2 seen most of them.
	3	Q. Okay. Do you recall whether after the	3 Q. Do you recall any specific documents
	4	termination of -- of the agreement and marked --	4 that you used to refresh your recollection that we
15:55:06	5	the agreement marked as Exhibit 11 whether Bentley	5 have not seen today?
	6	Pharmaceuticals ever manufactured any pellet drugs	6 A. Probably the transdermal confidentiality
	7	or -- on behalf of Ethypharm?	7 agreement with Bentley --
	8	A. After the termination of the agreement,	8 Q. Okay.
	9	yes, they did.	9 A. -- yeah.
15:55:23	10	Q. Bentley Pharmaceuticals --	15:57:10 10 We haven't seen this one. And -- and
	11	A. Oh --	11 there was some notes from Mr. Murphy, handwritten
	12	Q. -- in the --	12 notes, as well. And I don't remember all the
	13	A. -- I'm sorry.	13 documents, you see, so. I think we have seen lot
	14	Q. -- United States?	14 of them because the package is already there.
15:55:24	15	A. Sorry. I didn't realize. No, Bentley	15:57:36 15 Q. Okay.
	16	never manufactured any pellets.	16 MS. ABREU: I'd like to request the
	17	Q. Okay. Either before or after --	17 documents reviewed by Ms. Joannes to refresh her
	18	A. Or after.	18 recollection today.
	19	Q. Okay. But Belmac did continue to	19 BY MS. ABREU:
15:55:37	20	manufacturer that --	15:57:50 20 Q. Aside from speaking to counsel --
	21	A. Yes.	21 A. Mm-hmm.
	22	Q. -- right?	22 Q. -- did you speak to anybody else

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		Page 314			Page 316
15:57:54	1	regarding your testimony here today?	16:11:32	1	that in front of you.
	2	A. No.		2	A. Yes.
	3	Q. Okay. When you were negotiating the		3	Q. And you've already discussed this, but
	4	terms of your employment with Ethypharm that you're		4	just to orient ourselves, could you state briefly
15:58:06	5	about to begin in September --	16:11:49	5	what this document is?
	6	A. Mm-hmm.		6	A. Yes. It's a confidentiality agreement
	7	Q. -- did anyone ever discuss the case		7	signed between Ethypharm Spain and Belmac,
	8	against Bentley in the United States with you?		8	represented respectively by general manager,
	9	A. No.		9	Adolfo de Basilio, and the general manager of
15:58:15	10	Q. Okay.	16:12:05	10	Belmac, Clemente González Azpeitia, which was
	11	A. No.		11	signed in -- on the 30th of September 1998.
	12	Q. Okay.		12	And this is a confidentiality agreement
	13	MS. ABREU: Thank you, Ms. Joannesse.		13	which relates to the transmission of some
	14	I have no further questions.		14	documentation included in the registration files of
15:58:21	15	THE WITNESS: Thank you.	16:12:22	15	Belmazol.
	16	MS. ABREU: Do you?		16	And this documentation is stated with
	17	MR. GRACE: All right. Let's take a		17	thoughts of manufacturing -- manufacturing and
	18	ten-minute break and then I'll ask some questions.		18	validation of the methods of manufacturing in the
	19	THE VIDEOGRAPHER: The time is 15:58:13		19	analysis methods --
15:58:32	20	Off the record.	16:12:39	20	Q. Okay.
	21	(Whereupon, at 15:58:13 p.m., a recess		21	A. -- and its validation.
	22	was taken, and the proceedings resumed at		22	Q. Now I'd like you to help me out, if you
		Page 315			Page 317
15:58:37	1	16:10:19 p.m., this same day.)	16:12:44	1	could for a minute. You used a phase registration
	2	THE VIDEOGRAPHER: On the record.		2	file.
	3	The time is 16:10:19.		3	Can you tell me what that means in the
	4	EXAMINATION BY COUNSEL FOR THE PLAINTIFFS		4	context of pharmaceutical companies?
16:10:39	5	BY MR. GRACE:	16:12:55	5	A. Yes.
	6	Q. Hello. As I indicated on the record		6	When you want to put a product on to the
	7	before, I'm Bruce Grace.		7	market, you have to obtain the marketing
	8	I'm going to be asking you a number of		8	authorization. And to obtain this marketing
	9	questions on different topics, so I'm going to be		9	authorization, you have to compile registration
16:10:52	10	jumping around a little bit, and I'll try to orient	16:13:07	10	file or files which contains a certain number of
	11	you before I go on to a new topic. But if I don't,		11	elements, first, for all the manufacturing process
	12	just make sure you ask me.		12	and formula -- formula, but also toxicological
	13	A. Mm-hmm.		13	studies, bio-equivalence or clinical studies,
	14	Q. All right? Do you understand that?		14	according to the type of products you're asking,
16:11:02	15	A. Yeah.	16:13:23	15	methods of analysis, well, all series of documents,
	16	Q. Okay. Let's see.		16	which is mentioned by the authorities, and that
	17	And I'll be asking questions largely		17	will enable the authorities to decide whether the
	18	about documents that have already been marked as		18	drug is safe or not.
	19	exhibits.		19	Q. And is a -- is a registration file, when
16:11:21	20	And the first one I'd like to look at,	16:13:41	20	a company prepares, is it a confidential document?
	21	if we could, is the document that was marked as		21	A. It is considered as a confidential
	22	Exhibit 25. So if you could take a moment to get		22	document. There is -- if it's a new product, you

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16:13:50	1	have the rule of exclusivity in Europe to access 2 these documents. Once it -- this rule of 3 exclusivity is gone, then you can access the 4 document to make bio-equivalent studies, for 5 example, for general products.	16:16:15 1 that -- and I'll paraphrase -- that Belmac has 2 provided to Ethypharm the following documentation 3 and then there's a bullet point and it says -- 4 A. Mm-hmm.
16:14:02	5	Q. Is it a -- is it a significant 6 expenditure of time and resources to put together a 7 registration file?	16:16:25 5 Q. -- and it says -- and this is all using 6 a translation -- production method and 7 validation -- 8 A. Mm-hmm.
16:14:17	9	A. It depends on the type of products you 10 are -- you are trying to -- to get. If it's a new 11 product, effectively this is a lot of time and 12 money. If it's a generic product, it will be less 13 costly, because you just have to -- to make 14 reference to the documentation of the other 15 original products, but do some bio-equivalent 16 studies so it's lighter. But it still -- still it 17 represents some sometime. I mean, it's -- it's -- 18 it depends on what the authorities are requesting 19 in the file and what is access -- accessible.	16:16:31 10 Q. -- is the same. Do you see the -- the language that I'm 11 referring to? 12 A. Yes, yes.
16:14:33	15	Q. Okay. Now can you tell me what was the 16 purpose of Ethypharm wanting to have access to -- 17 well, first of all, the registration file, was that	16:16:42 15 Q. If someone wanted to use that statement as evidence that information concerning the 16 production method of the Omeprazole pellets was 17 Belmac's information as opposed to Ethypharm's, do 18 you think that's a valid interpretation of that -- 19 of that language? 19 MS. ABREU: Objection. Calls for 16:16:56 20 speculation. Argumentative and delves far too 21 deeply into these two issues.
		Page 319	Page 321
16:15:13	1	a file prepared by Belmac or by Ethypharm? 2 A. Now that's probably a file prepared by 3 Belmac using the information provided by Ethypharm. 4 Q. And what was the Ethypharm's reason for 5 wanting to get from Belmac information that it had 6 already given to Belmac? 7 A. Because it's formatted. It's already -- 8 it's -- it's prepared under a certain format. It's 9 put in order so it's -- Ethypharm doesn't have -- 10 didn't have such a ready file. 11 And in the present case, they wanted it 12 to have one of their customers in Czech Republic 13 Leciva, and having access to this documentation, 14 which was already prepared, was very helpful to 15 obtain the marketing authorization in the Czech 16 Republic.	16:17:02 1 BY MR. GRACE: 2 Q. You may answer. 3 A. So shall I answer? 4 Q. Yes, you may answer. 16:17:07 5 A. Okay. 6 Well if you don't how it works in the 7 pharmaceutical industry, you believe that 8 effectively it belongs to Belmac. 9 Now I think that in the file you have 10 plenty of different documents that show that it was 11 not Belmac.
16:15:33	10	12 Q. Okay. 13 MR. GRACE: Let me mark, if I could, as 14 the next exhibit. This will be Exhibit 35, a 15 document.	
16:15:50	15	16 THE WITNESS: Thirty-five. It's a new 17 one. Yeah, okay. 18 (Joannesse Deposition Exhibit No. 35 19 was marked for Identification.)	
16:16:04	20	20 THE WITNESS: Thank you. 21 BY MR. GRACE: 22 Q. Could you tell us what this document is?	

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		Page 322	Page 324
16:18:16 1	A. This is a confidentiality non-disclosure	16:21:18 1	A. Yeah --
2	agreement made on the 10th of February, 2000,	2	Q. Okay.
3	between Bentley Pharmaceuticals, Inc., and -- a	3	A. -- on top.
4	U.S. company, and Ethypharm France.	4	Q. Okay, thank you.
16:18:34 5	Q. Does this document relate to Omeprazole?	16:21:21 5	All right. Does this document relate --
6	A. No.	6	if -- the subject line says Lab Belmac
7	Q. What does it relate to?	7	Manufacturing for Ethypharm.
8	A. It relates, if you look at the second	8	Do you understand that this document
9	paragraph, to -- well, transdermal product, its	9	relates to the manufacturing of Omeprazole?
16:18:46 10	enhancement and absorption and permeation of drugs	16:21:39 10	A. It relates to manufacturing of
11	through bio -- biological membranes.	11	Omeprazole and other products most probably, but
12	So it's transdermal drugs.	12	Omeprazole among them, yes, sure.
13	Q. Okay. Thank you.	13	Q. And I think you -- you mentioned this,
14	MR. GRACE: Would you mark this as the	14	but who is it from?
16:19:03 15	next exhibit, please.	16:21:52 15	A. It's from James Murphy, James R. Murphy,
16	Thanks.	16	Chairman and CEO of Bentley Pharmaceutical (sic).
17	(Joannesse Deposition Exhibit No. 36	17	Q. Okay. Do you know whether -- whether
18	was marked for Identification.)	18	Mr. Murphy was Chairman and CEO of -- of Belmac
19	THE WITNESS: Thank you.	19	of Laboratorios Belmac?
16:19:20 20	(Witness reviews document.)	16:22:06 20	A. Well, from all the documents we have
21	BY MR. GRACE:	21	seen, he was mentioned as Executive Director --
22	Q. Would you tell us what Exhibit 36 is.	22	Q. Okay.
		Page 323	Page 325
16:20:07 1	A. This is a fax addressed by Bentley	16:22:12 1	A. -- of Belmac.
2	Pharmaceutical, Inc., U.S.A. and by as Chairman and	2	Q. So when you see Chairman and CEO, do you
3	CEO, James R. Murphy, to Patrice Debrégeas at	3	understand that to be Mr. Murphy in his capacity as
4	Ethypharm. This fax was sent on the 28th of	4	Bentley?
16:20:25 5	January 1997. And the subject matter was	16:22:22 5	A. Yes, I would -- I would interpret it
6	Laboratorios Belmac manufacturing for Ethypharm.	6	as -- as Chairman and CEO of Bentley
7	Q. Okay. Had you ever seen this document	7	Pharmaceuticals.
8	before?	8	Q. Now Mr. Murphy says in this -- he says,
9	A. Yes, in the file.	9	Ever since I assumed control of Laboratorios
16:20:39 10	Q. All right. Do you know whether you	16:22:41 10	Belmac.
11	were -- you were given a copy of this document	11	Do you see that?
12	around the time that it was received in Ethypharm?	12	A. Yes.
13	A. Yes. Because it's indicated on the top	13	Q. When you saw this document back in 1997,
14	that I got a copy. Claude Dubois sent a copy to	14	did that surprise you?
16:20:54 15	Eric Igonet and myself.	16:22:55 15	A. No, it doesn't surprise me because, as I
16	Q. Okay. And how is that indicated there?	16	say before, I mean, for -- for me Bentley and
17	A. CD arrow to EI R -- stroke RG.	17	Belmac was -- wouldn't say the same, because
18	Q. Okay. And -- and you're -- you're RT?	18	legalese it's wrong to say it's the same. But, I
19	A. RT is --	19	mean, it's -- when you were talking to Bentley, you
16:21:12 20	Q. Oh, RG.	16:23:17 20	were talking about usually, except for a few
21	A. Yes, RJ, RJ, sorry.	21	matters that we've seen of transdermal issues. We
22	Q. That's down below there?	22	were talking about issues related to Belmac,

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16:23:27	1	Laboratorios Belmac, Spain.	16:27:18 1 Belmac by our subsidiary Ethypharm S.A., Spain, and
	2	Q. And did you understand that -- that --	2 this fax was sent by Gérard Leduc to Mr. Murphy of
	3	that Ethypharm could fruitfully have a discussion	3 Bentley on the 18th of April 2002.
	4	with Mr. Murphy that would have an impact on it's	4 Q. All right. Now can you help us to
16:23:48	5	relationship in connection with Omeprazole and the	5 understand what was the relationship between
	6	manufacture of Omeprazole in Spain?	6 Bentley Belmac and Ethypharm in this time period?
	7	MS. ABREU: Objection. Vague and	7 MS. ABREU: Objection. Confusing.
	8	argumentative.	8 Incompletes Bentley and Belmac.
	9	BY MR. GRACE:	9 BY MR. GRACE:
16:24:01	10	Q. You can go ahead and answer.	10 Q. You can answer.
	11	A. Okay.	11 A. The relationship between Bentley Belmac
	12	I'm sorry, I'm not -- I'm going to ask	12 and Ethypharm at that time?
	13	you to repeat the question.	13 Q. Yes.
	14	Q. It was -- it was a long question.	14 A. Well, as I -- as I said, no, I did not
16:24:21	15	Did you understand that it made sense	15 recall this document when I was asked if they -- if
	16	for Ethypharm to have discussions with Mr. Murphy	16 we had any contact with Bentley after the letter
	17	on matters relating to the manufacture of	17 determination of the -- the agreements. But this
	18	Omeprazole in Spain?	18 letter was effectively sent to Bentley to inform
	19	A. Yes, yes, yes.	19 them of the difficulties we had after the
16:24:38	20	It's just like when you want to -- to	20 determination of the agreement with Belmac.
	21	discuss, you know, strategy issues, this was not	21 Q. Okay. So by the time this letter is
	22	done at the level of Adolfo de Basilio. That was	22 sent -- let's just get the chronology set, there --
		Page 327	Page 329
16:24:48	1	done at the level of Patrice Debrégeas and Gérard	16:28:41 1 what's been marked as Exhibit 11, the manufacturing
	2	Leduc. And in the case of Bentley, Belmac, each	2 agreement --
	3	time we had a problem, a major issue with Belmac,	3 A. Mm-hmm.
	4	we would always refer to Bentley and James Murphy.	4 Q. -- had been canceled; is that right?
16:25:02	5	That's my understanding.	16:28:48 5 A. Yes.
	6	MR. GRACE: Would you will mark this as	6 Q. Okay.
	7	the next exhibit, please.	7 A. Yes.
	8	(Joannesse Deposition Exhibit No. 37	8 Q. And is it right that at this time there
	9	was marked for Identification.)	9 were certain difficulties that Ethypharm was
16:25:38	10	THE WITNESS: Thank you.	16:28:57 10 experiencing with relationship to the -- to the
	11	(Witness reviews document.)	11 manufacturer of Omeprazole?
	12	THE WITNESS: Mm-hmm.	12 A. Yes.
	13	BY MR. GRACE:	13 Q. And Mr. Leduc, through this fax, brings
	14	Q. Have you had a chance to look at	14 those difficulties to the -- to the attention of --
16:26:50	15	Exhibit 37?	16:29:12 15 of Mr. Murphy?
	16	A. Yes, I think so. I just did not recall	16 A. Right.
	17	it but, yes.	17 Q. Now is -- is this sent to Mr. Murphy at
	18	Q. Okay. Can you describe for us what it	18 Bentley or is it sent to Mr. Murphy at Laboratorios
	19	is?	19 Belmac?
16:27:01	20	A. Well, first of all, it's a cover page,	16:29:27 20 A. No it's sent to Mr. Murphy at Bentley.
	21	faxed cover page, sending a copy of the information	21 It was a fax number in the U.S.
	22	that was sent to the Spanish subsidiary of Bentley	22 MR. GRACE: Okay. Thank you.

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16:29:44 1	I have no further questions.	16:31:23 1	Q. Okay. If you could please turn to -- to
2	EXAMINATION BY COUNSEL FOR THE DEFENDANT	2	Exhibit 36.
3	(Continued)	3	A. Mm-hmm.
4	BY MS. ABREU:	4	Q. Do you see where it says in the first
16:29:47 5	Q. Ms. Joannesse, I have just a couple of	5	page, I am writing -- "Dear Patrice, I am writing
6	short, little questions and then we'll get you on	6	with regard to the fax that I received from your
7	your way to France.	7	Spanish office"?
8	If you could please turn to Exhibit 35.	8	A. Mm-hmm.
9	A. Mm-hmm.	9	Q. Is it your understanding that Mr. Murphy
16:29:58 10	Q. You mentioned that exhibit -- this	10	was responding to correspondence from Ethypharm?
11	confidentiality agreement marked as Exhibit 25	11	A. I suppose so.
12	concerns transdermal drugs --	12	Q. Okay. You -- do you recall when you
13	A. Mm-hmm.	13	mentioned earlier today that you were aware that
14	Q. -- which have nothing to do with	14	Mr. Murphy had a role, president or executive
16:30:08 15	Omeprazole or other pellet drugs; is that correct?	15	director, as you state, in Laboratorios Belmac?
16	A. Yes, that's correct.	16	A. Mm-hmm, yes, I recall.
17	Q. Does it concern transdermal -- does it	17	Q. Is that correct?
18	concern Spain in any way?	18	A. Yes.
19	A. No.	19	Q. Okay. Do you know if Mr. Murphy lives
16:30:16 20	Q. Okay. I notice it says in paragraph 7	20	in Spain?
21	that any disputed should be under English law.	21	A. I don't know.
22	A. Mm-hmm.	22	Q. Okay. To your knowledge, does
		Page 331	Page 333
16:30:24 1	Q. Do you know which country this --	16:32:17 1	Mr. Murphy have an address in Spain?
2	A. No. It's probably -- I don't know which	2	A. I don't know.
3	country is considered because it was apparently a	3	Q. Okay.
4	general corporation. And if it's English law, it's	4	A. To my knowledge, I don't know.
16:30:38 5	because we didn't want it to be U.S. law, and they	5	Q. But to your knowledge Mr. Murphy does
6	didn't want it to be French law. So sometimes	6	have a business address in the United States; is
7	that's very common in -- in Europe.	7	that correct?
8	Q. Mm-hmm.	8	A. Yes.
9	A. You choose another law, another system,	9	Q. Okay. So if you needed to contact the
16:30:48 10	which is acceptable by both parties.	10	executive director, president of Belmac, you would
11	Q. Okay.	11	typically contact Mr. Murphy in the United States;
12	A. And the U.S. English law is usually	12	is that correct?
13	commonly used. When you have a relationship with	13	A. Probably, yes.
14	American, you can have Swiss law as well, some.	14	Q. And could you please turn to page 2.
16:31:02 15	Q. Sure.	15	A. Mm-hmm.
16	So the transdermal drugs that are	16	Q. Do you see toward the very end of the
17	referred to this -- this agreement concerns	17	document where it says, "I suggest the following
18	transdermal drugs and that communications regarding	18	people be in attendance during the first part of
19	transdermal drugs between Ethypharm and Bentley	19	February"?
16:31:17 20	were completely unrelated to Omeprazole or anything	20	A. Mm-hmm.
21	that was happening in Spain; is that correct?	21	Q. Do you see where it says on behalf of
22	A. I think so, yes.	22	Ethypharm Mr. Debrégeas and Mr. de Basilio?

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		Page 334	Page 336
16:32:58	1 A. Mm-hmm. 2 Q. Do you see where it says on behalf of 3 Laboratorios Belmac James -- 4 A. Mm-hmm.	16:34:48 1 A. Mm-hmm. 2 Q. To your knowledge, did Mr. Murphy 3 request this information? 4 A. I don't know if he request this but -- 5 Q. So, to your knowledge, this was 6 initiated by Mr. Leduc?	
16:33:01	5 Q. -- Murphy, Clemente Gonzalez, 6 Dr. Monterde, and Mateo Gasca? 7 A. Mm-hmm. 8 Q. Could you please point to anywhere in 9 this document that says on behalf of Bentley 10 Pharmaceuticals?	16:34:54 5 Q. So, to your knowledge, this was 6 initiated by Mr. Leduc? 7 A. Yes, yes. 8 MS. ABREU: Okay. Thank you very much. 9 THE WITNESS: You're welcome. 10 MS. ABREU: I hope you have a good trip	
16:33:12	11 A. No. But again, I mean you have Patrice 12 Debrégeas, who can act on both Ethypharm S.A. and 13 Ethypharm Spain. So it's not because it's listed 14 like this that it doesn't mean that there is no -- 15 no influence of the parent company.	16:35:01 10 back to Spain. 12 THE WITNESS: No, to France. 13 MS. ABREU: Oh, to France. 14 (Laughter.) 15 MS. ABREU: I apologize.	
16:33:30	16 Q. But you agree, do you not, that James 17 Murphy's name is listed under the heading 18 Laboratorios -- 19 A. Yes -- 20 Q. -- Belmac? 21 A. -- just as Patrice Debrégeas' name is 22 listed under Ethypharm.	16:35:05 15 I have no further questions. 17 MR. GRACE: Just one -- 18 THE WITNESS: Thank you. 19 MR. GRACE: -- one more. 20 THE WITNESS: Yes. 21 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS 22 (Continued)	
		Page 335	Page 337
16:33:38	1 Q. Okay. You mentioned earlier in 2 discussing Exhibit 36 that each -- each time 3 Ethypharm had any major issue -- 4 A. Mm-hmm.	16:35:09 1 BY MR. GRACE: 2 Q. Just following up on that last question. 3 Were you ever aware of any communication 4 from Mr. Murphy back to Mr. Leduc saying stop 5 sending me things about Belmac, Laboratorios 6 Belmac?	
16:33:52	5 Q. -- with Laboratorios Belmac they would 6 always refer to Murphy. 7 Was that typically initiate -- well, 8 initiated by Ethypharm where they had problems with 9 Belmac they would contact Mr. Murphy?	7 A. No, never. 8 Q. Okay. 9 MR. GRACE: No further questions. 10 THE WITNESS: Okay.	
16:34:07	10 A. Well, that was the reality, yeah. 11 Q. Okay. And let's turn to Exhibit 37 -- 12 A. Mm-hmm. 13 Q. -- if you could, please. 14 You mentioned that Mr. Leduc sent the	11 MS. ABREU: Thank you. 12 THE VIDEOGRAPHER: This ends tape number 13 four and concludes the testimony of 14 Roseline Joannesse in the matter of Ethypharm	
16:34:27	15 letter from -- from Mr. de Basilio to Mr. Herrera 16 to Mr. Murphy; is that correct? 17 A. Mm-hmm, yes. 18 Q. And you mentioned that he did that 19 because he was having difficulties with Mr. Herrera 20 in Belmac in Spain -- 21 A. Mm-hmm. 22 Q. -- is that correct?	15 versus Bentley Pharmaceuticals. 16 The date is July 20th, 2006. 17 The time is 16:35:25. 18 Off the record. 19 (Whereupon, at 16:35:25 p.m., the 20 videotaped deposition was concluded.) 21 (Signature not waived.)	

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<p style="text-align: center;">Page 338</p> <p>1 ACKNOWLEDGMENT OF DEPONENT 2 I, ROSELIN JOANNESSE, do hereby acknowledge 3 that I have read and examined the foregoing 4 testimony, and the same is a true, correct and 5 complete transcription of the testimony given by me 6 and any corrections appear on the attached Errata 7 sheet signed by me.</p> <p>8 9 10</p> <hr/> <p>11 (DATE) (SIGNATURE)</p> <p>12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: center;">Page 340</p> <p>1 ERRATA SHEET 2 IN RE: ETHYPHARM S.A. FRANCE, and ETHYPHARM 3 S.A. SPAIN Vs. BENTLEY PHARMACEUTICALS, INC. 4 RETURN BY: _____ 5 PAGE LINE CORRECTION AND REASON 6 ____ ____ 7 ____ ____ 8 ____ ____ 9 ____ ____ 10 ____ ____ 11 ____ ____ 12 ____ ____ 13 ____ ____ 14 ____ ____ 15 ____ ____ 16 ____ ____ 17 ____ ____ 18 ____ ____ 19 ____ ____ 20 ____ ____ 21 ____ ____ 22 ____ ____ 22 (DATE) (SIGNATURE)</p>
<p style="text-align: center;">Page 339</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC 2 I, Tristan-Joseph, Registered Professional 3 Reporter, the officer before whom the foregoing 4 proceedings were taken, do hereby certify that the 5 foregoing transcript is a true and correct record of 6 the proceedings; that said proceedings were taken by 7 me stenographically and thereafter reduced to 8 typewriting under my supervision; and that I am 9 neither counsel for, related to, nor employed by any 10 of the parties to this case and have no interest, 11 financial or otherwise, in its outcome.</p> <p>12 IN WITNESS WHEREOF, I have hereunto set my hand 13 and affixed my notarial seal this day of 14 2006.</p> <p>15 My commission expires: 16 December 30, 2008.</p> <p>17 18 19</p> <hr/> <p>20 NOTARY PUBLIC IN AND FOR THE 21 DISTRICT OF COLUMBIA</p> <p>22</p>	<p style="text-align: center;">Page 341</p> <p>1 ERRATA SHEET CONTINUED 2 IN RE: ETHYPHARM S.A. FRANCE, and ETHYPHARM 3 S.A. SPAIN Vs. BENTLEY PHARMACEUTICALS, INC., 4 RETURN BY: _____ 5 PAGE LINE CORRECTION AND REASON 6 ____ ____ 7 ____ ____ 8 ____ ____ 9 ____ ____ 10 ____ ____ 11 ____ ____ 12 ____ ____ 13 ____ ____ 14 ____ ____ 15 ____ ____ 16 ____ ____ 17 ____ ____ 18 ____ ____ 19 ____ ____ 20 ____ ____ 21 ____ ____ 22 ____ ____ 22 (DATE) (SIGNATURE)</p>

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